

Notice of Rulemaking Hearing
Tennessee Department of Environment And Conservation
Division of Air Pollution Control

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of an amendment to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on the 17th day of February, 2005.

Written comments will be included in the hearing records if received by the close of business February 17, 2005, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to (February 17, 2005) or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Mr. Jeff Cales at 931-432-7621. For complete copies of the text of the notice, please contact Mr. Malcolm Butler, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243, telephone 615-532-0600.

Summary of Proposed Changes

Chapter 1200-3-9
Construction and Operating Permits

Amendments

Item 3. of subparagraph (d) of paragraph (4) of rule 1200-3-9-.04 EXEMPTIONS is amended by adding clarifying language and deleting antiquated and unnecessary references to non-existent open burning permits, as air curtain destructors or air curtain incinerators would require individual incineration permits, with applicable requirements stated in the individual permit.

Item 7. of subparagraph (f) of paragraph (5) of rule 1200-3-9-.04 EXEMPTIONS is amended by substituting clarifying language for antiquated and unnecessary references to non-existent open burning permits, as air curtain destructors or air curtain incinerators would require individual incineration permits, with applicable requirements stated in the individual permit. These changes are necessary to more effectively regulate incineration statewide.

Text of Proposed Changes

Chapter 1200-3-9
Construction and Operating Permits

Amendments

1. Item 3. of subparagraph (d) of paragraph (4) of rule 1200-3-9-.04 EXEMPTIONS is amended by substituting for the present Item 3., a new Item 3. so that, as amended, the new Item 3. shall read:
 3. Any air contaminant source constructed and operated at a domestic residence solely for domestic use.
2. Item 7. of subparagraph (f) of paragraph (5) of rule 1200-3-9-.04 EXEMPTIONS is amended by substituting for the present Item 7., a new Item 7. so that, as amended, the new Item 7. shall read:
 7. Operations regulated under Chapter 1200-3-4 (Open Burning) of these Regulations.

Authority: T.C.A. §§68-201-105 and 4-5-202 et. seq. Administrative History: Original Rule certified June 7, 1974. Amendment filed January 10, 1977; effective February 9, 1977. Amendment filed March 31, 1987; effective May 15, 1987. Amendment filed March 31, 1987; effective February 10, 1987. Amendment filed September 27, 1989; effective November 11, 1989. Amendment filed May 17, 1990; effective July 1, 1990. Amendment filed April 22, 1993; effective June 5, 1993. Amendment filed September 7, 1993; effective November 21, 1993., Amendment filed June 12, 1995; effective August 26, 1995. Amendment filed July 25, 1996; effective October 6, 1996. Amendment filed November 30, 1999; effective February 6, 2000. Amendment filed Nov. 29, 2001; effective Feb. 12, 2002.

Legal Contact and/or party who will approve final copy for publication:

Mr. Jeff Cales
Air Pollution Control Division
Cookeville EAC
1221 South Willow Ave.
Cookeville, TN 38506
931-432-7621

Contact for disk acquisition:

Mr. Malcolm H. Butler
Division of Air Pollution Control
9th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1531
(615)532-0600

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Air Pollution Control.

Barry R. Stephens
Director
Tennessee Division of Air Pollution Control

Subscribed and sworn to before me this the ____ day of _____, 2004.

Notary Public

My commission expires on the ____ day of _____, _____.

This notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____